



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street
New York, New York 10007*

March 16, 2022

The Honorable Sarah Netburn
United States Magistrate Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: In the Matter of Disclosure of Grand Jury Material in Connection with *In re Terrorist Attacks on September 11, 2001*, 03 MDL 1570 (S.D.N.Y.) (GBD) (SN)

Dear Judge Netburn:

On March 1, 2022, the Government filed an additional petition under Federal Rule of Criminal Procedure 6(e), seeking authorization to publicly disclose federal grand jury records in connection with the *In re Terrorist Attacks* litigation. (ECF No. 7710). That petition was prompted by the Government's declassification review under the Executive Order on Declassification Review of Certain Documents Concerning the Terrorist Attacks of September 11, 2001 (the "Executive Order" or "E.O."). The Court granted that petition in an order dated March 2, 2022. (ECF No. 7718).

As the Government informed the Court in its status letter of March 10, 2022 (ECF No. 7743), the Government's productions under the Executive Order remain on-going. In the course of preparing one of the final sets of records to be produced, the FBI has determined that certain documents contain discussions and analysis of business and education records that were obtained pursuant to grand jury subpoena. The FBI is unable to produce information that constitutes grand jury materials subject to the protections of Federal Rule of Criminal Procedure 6(e)(2)(B), without an order authorizing disclosure pursuant to Federal Rule of Criminal Procedure 6(e)(3)(E)(i). The FBI accordingly seeks an order from this Court authorizing it to disclose these records, as further described in the attached petition.

The Government takes no position on whether additional submissions from the PECs will be necessary to satisfy the "particularized need" standard required for disclosure under Rule 6(e)(3)(E)(i). *See, e.g., Douglas Oil Co. v. Petrol Stops Nw.*, 441 U.S. 211 (1979).

Respectfully submitted,

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